



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Ronald W. Kazmierczak, Regional Director

Northeast Region Headquarters
1125 N. Military Ave., P.O. Box 10448
Green Bay, Wisconsin 54307-0448
Telephone 920-492-5800
FAX 920-492-5913
TDD 920-492-5912

April 26, 2000

Mr. Clement (Mike) J. Weinandt, Jr.
Waverly Beach, Inc.
P.O. Box 322
Menasha, Wisconsin 54952

Subject: Case Closure, Weinandt Estate, N8770 Firelane # 1, Town of Harrison, Calumet
County, Wisconsin BRRS #:03-08-000910

Dear Mr. Weinandt:

The Department has received a copy of the completed groundwater use restriction for the above referenced site and proof of filing this record with the Calumet County Register of Deeds. Based on the investigative and remedial documentation provided to the Department, it appears that the petroleum contamination at the above named site has been remediated to the extent practicable under current site conditions. Therefore, conditional closure of this site has been granted and no further action is necessary at this time. In the future, this groundwater use restriction may be amended with approval from the Department if conditions change at the site and the residual contamination has been remediated.

If you have any additional relevant information concerning this matter which was not formerly provided to the Department, you should submit this information to the Department for reevaluation.

The Department's records will reflect final "closure." If you have any questions regarding this determination, please contact me in Green Bay at 920-492-5861.

Yours truly,

Alan Thomas Nass, P.G.
Hydrogeologist

cc: John J. Russo, MCWPH, P.O. Box 860, Kaukauna, Wisconsin 54130-0860
Douglas Hahn, MNSTB, P.O. Box 785, Appleton, Wisconsin 54912-0785
Tony Weinandt, 829 Ida Street, Menasha, Wisconsin 54952
Peter Chase, RMT, Inc., 744 Heartland Tr., Madison, Wisconsin 53717-1934

186683

THIS SPACE RESERVED FOR RECORDING DATA

REGISTERS OFFICE
CALUMET COUNTY, WIReceived by Record 11
day of Dec. 11, 1986
10:30 AM and recorded in
book 87 page 43-45
P.L.G. 00Robert H. Hall
NotaryNotary Thomas Wroblewski
125 E. Forest Avenue
Neenah, WI 54956

Florence Maloney, widow and surviving joint tenant
of Charles R. Maloney, and also in her capacity
Charles R. Maloney, as Personal Representative of the estate of
("Decedent"),
for a valuable consideration conveys, without warranty, to the Estate of
Elizabeth G. Weinandt, deceased, who until her death
was the widow and surviving joint tenant of Clem J.
Weinandt, deceased,
the following described real estate in Calumet County,
State of Wisconsin (hereinafter called the "Property"):

Tax Parcel No: _____

Legal description attached as Exhibit "A".

This deed is given in fulfillment of that certain Land Contract dated
December 1, 1957 between Charles R. Maloney and Florence Maloney, his wife,
as Vendors, and Clem J. Weinandt and Elizabeth G. Weinandt, his wife, as
Vendees.

FEE

7725(1)
EXEMPT

Personal Representative by this deed does convey to Grantee all of the estate and interest in the Property which
the Decedent had immediately prior to Decedent's death, and all of the estate and interest in the Property which the
Personal Representative has since acquired.

Dated this 8th day of December, 1986.

Florence A. Maloney (SEAL)

Florence Maloney

Personal Representative

(SEAL)

Personal Representative

AUTHENTICATION

Signature of Florence Maloney

authenticated this 8th day of December, 1986

Roy G. Stohman

Roy G. Stohman

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not,
authorized by § 706.05, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

Attorney Thomas Wroblewski,

Neenah, Wisconsin

(Signatures may be authenticated or acknowledged. Both
are not necessary.)

ACKNOWLEDGMENT

STATE OF WISCONSIN

ss.

County.

Personally came before me this _____ day of
_____, 19____ the above namedto me known to be the person _____ who executed the
foregoing instrument and acknowledge the same.

Notary Public _____ County, Wis.
My Commission is permanent. (If not, state expiration
date: _____, 19____)

LEGAL DESCRIPTION (EXHIBIT "A")

(a) The description of Waverly Beach sold hereby is as follows:

Beginning at a point on the meandered line of the North shore of Lake Winnebago in section number eighteen (18), township number twenty (20) North, of Range number eighteen (18) East, where the same crosses or intersects the County line between the counties of Winnebago and Calumet, running thence East Thirty-six (36) rods and Sixteen (16) feet, thence due North to the South line of the Right-of-Way of the C. M. & St. P. R. R. Co., thence West along said South line of said R. R. right of way to the aforesaid County Line, thence due south on said County line to the place of beginning. In Calumet County, Wisconsin.

(b) The description of the three cottages and land on which the same are situated sold hereby is as follows:

A piece or parcel of land in Lot 4, ion Section 18, Township 20 North, of Range 18 East, described as follows: Commencing at a point on the South line of the right-of-way of the Milwaukee & Northern Ry. Co. which point is 2107 feet West of the East line of Lot 3, in said Section, Town and Range, thence South to the Shore of Lake Winnebago, thence West along said shore of Lake Winnebago to the East line of the 10 acres of land formerly purchased by Peter Massonet, from Plummer & Mayo, thence North : along the East line of said 10 acre tract to the South line of said right-of-way of M. & N. Ry. thence East along the South line of said Railroad right-of-way to the point of beginning. Reserving however, the North 40 feet of said conveyed tract for a right-of-way or road way to be used in common with the owners of lots in the plat of Montgomery Beach, for light traffic and light vehicles only. (Same as 44 of Deeds page 112.)

The East Fifty (50) feet of the following described piece or parcel of land, to-wit:

Beginning at a point on the meandered line of the North Shore of Lake Winnebago in Section Number Eighteen (18), Township Number Twenty (20) North, of Range Number Eighteen (18) East, where the same crosses or intersects the County line between the counties of Winnebago and Calumet, running thence East Forty (40) rods, thence due North to the South line of the Right-of-way of the C. M. & St. P. R. R. Co., thence West along said South line of said Railroad right-of-way to the aforesaid County Line, thence due south on said County line to the place of beginning. In Calumet County, Wisconsin.

220279

J 1957 1 49

REGISTER'S OFFICE
CALUMET COUNTYRecorded by Book 12 Page 12
Date 1/15/57 at Calumet
by Donna SchanoneColleen E. Pawlowski

as Personal Representative of the estate of

Elizabeth G. Weinandt

(Decedent).

for a voluntary consideration whereby, to-wit: namely, to Colleen E. Pawlowski, Anthony Weinandt, Elizabeth G. Weinandt, Mary K. Hoffman, and Colleen E. Pawlowski, an undivided 1/5 interest.the following described real estate in Calumet County, State of Wisconsin (hereinafter called the "Property"):situated in Valley Bank
P.O. Box 239
Appleton, WI 54912

Tax Parcel No: _____

All that part of Government Lot 4, Section 12, T20N, R12E, Town of Harrison, Calumet County, Wisconsin, bounded and described as follows:-

Commencing at the Northwest corner of said Section 12;
thence S 0 degrees 00 minutes 15 seconds W along the West line of Section 12 a distance of 1859.96 feet to the point of beginning;
thence continuing S 0 degrees 00 minutes 15 seconds W, 177.58 feet;
thence S 89 degrees 59 minutes 45 seconds E, 193.00 feet; thence S 0 degrees 00 minutes 15 seconds W, 248.37 feet to a meander corner; thence N 89 degrees 25 minutes 45 seconds E along a meander line 331.10 feet to a meander corner; thence N 0 degrees 56 minutes 13 seconds W 396.89 feet; thence N 86 degrees 51 minutes 05 seconds W, 404.13 feet; thence Northwesteally 376.14 feet along the arc of a 4535.87 foot radius curve concave to the South and having a chord of N 89 degrees 49 minutes 44 seconds W 376.83 feet to the point of beginning. Also including all those lands which lie between the meander line and property lines at the meander corners extended to the North Shore of Lake Winnebago. LESS AND EXCEPTING the East 293.12 feet thereof.

FEE

722511
EXEMPT

Personal Representative by this deed does hereby to Grantee all of the estate and interest in the Property which the Decedent had immediately prior to Decedent's death, and all of the estate and interest in the Property which the Personal Representative has then acquired.

Dated this 21st day of April, 1957

(REAL)

Colleen E. Pawlowski (REAL)

Personal Representative

Colleen E. Pawlowski

Personal Representative

AUTHENTICATION

Signature of Colleen E. PawlowskiWitnessed this 24th day of April, 1957Thomas Wroblewski
WIT: WENNER STATE BAR OF WISCONSIN

(If not acknowledged by a 1956C Wis. State)

THIS INSTRUMENT WAS PREPARED BY

Attorney Thomas Wroblewski

Menasha, WI 54552

(Signatures may be authenticated or acknowledged, but are not necessary.)

ACKNOWLEDGMENT

STATE OF WISCONSIN

ss.

I, Colleen E. Pawlowski, County, Wisconsin, do hereby certify that the foregoing is a true and correct copy of the original of the above named instrument.

I am known to be the person who executed the foregoing instrument and acknowledge the same.

Notary Public in and for the County of Calumet, Wis.
My Commission expires on 12/31/57

When an instrument is filed in this office it shall be held in strict confidence.

**GROUNDWATER USE
RESTRICTION**

302766

Document Number

Title of Document

STATE OF WISCONSIN)
COUNTY OF CALUMET) SS

RECEIVED
APR 25 2000
LMD SOLID WASTE

WHEREAS, the Estate of Elizabeth G. Weinandt is the owner of the property described on the attached Exhibit A.

WHEREAS, one or more petroleum discharges have occurred on this property. Petroleum contaminated groundwater above ch. NR 140, Wis. Adm. Code enforcement standards existed on this property at the following location on the following date: November 10, 1998 Total Xylenes at 650 micrograms per liter (ug/l) in Monitoring Well 4 (MW-4). The location of MW-4 is provided on Figure 1 attached and made part of this restriction.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct further groundwater or soil remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater contamination exceeding ch. NR 140, Wis. Adm. Code groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality does not comply with drinking water standards in ch. NR 809, Wis. Adm. Code is restricted by chs. NR 811 and NR 812, Wis. Adm. Code. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described on the attached Exhibit A is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

"Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed on this property unless applicable requirements are met.

If construction is proposed on this property that will require dewatering, or if groundwater is to be otherwise extracted from this property, while this groundwater use restriction is in effect, the groundwater shall be sampled and analyzed for contaminants that were previously detected on the property and any extracted groundwater shall be managed in compliance with applicable statutes and rules."

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property, whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, attached to a copy of the Department's written determination, may be recorded to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

State of Wisconsin Calumet Co.
Received and Filed
At A.M. 10:30 P.M.

APR 21 2000

Ellen Propson
Register of Deeds

J 5058 1 23

Record this document with the Register of Deeds

Name and Return Address:
Attorney Douglas D. Hahn
222 N. Oneida Street
Appleton, WI 54911

010-0000-0000000-000-0-201818-05-040B

(Parcel Identification Number)

Estate of Elizabeth G. Weinandt
by Clement J. Weinandt, Jr.,
Personal Representative

STATE OF WISCONSIN)
) ss.
COUNTY OF Calumet)

Subscribed and sworn to before me this
26th day of April, 2000.

Notary Public, State of Wisconsin
My commission expires 7-15-2001

~~This~~ document was drafted by
Douglas D. Hahn

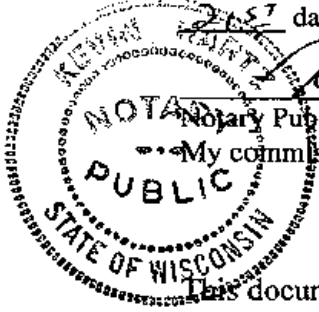
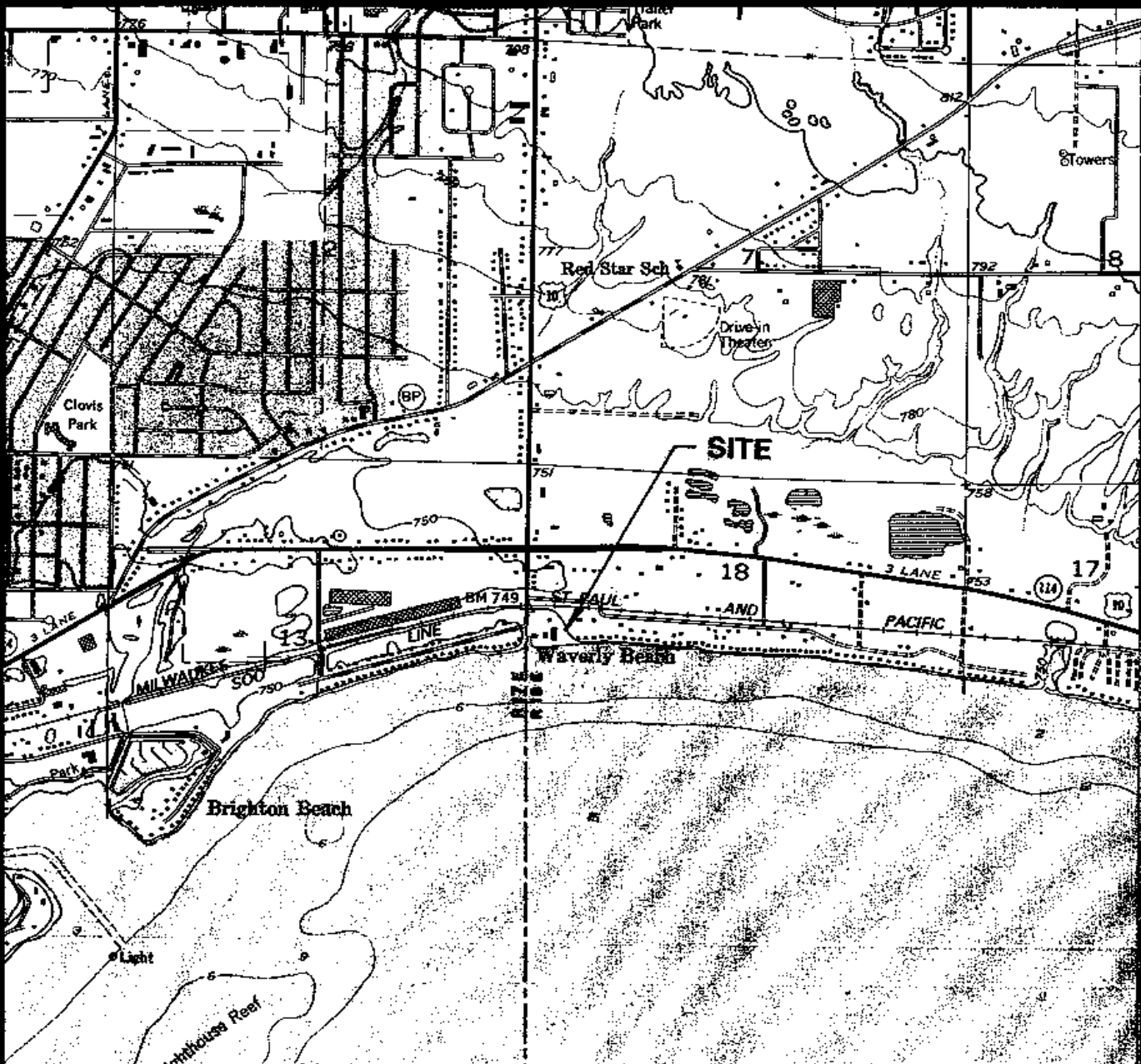


EXHIBIT A

The East 293.10 feet of that part of Government Lot 4, Section 18, T20N, R18E, Town of Harrison, Calumet County, Wisconsin, bounded and described as follows: Commencing at the Northwest corner of said Section 18; thence S 0 degrees 00 minutes 15 seconds W along the West line of Section 18 a distance of 1859.96 feet to the point of beginning; thence continuing S 0 degrees 00 minutes 15 seconds W, 177.68 feet; thence S 89 degrees 59 minutes 45 seconds E, 193.00 feet; thence S 0 degrees 00 minutes 15 seconds W, 248.37 feet to a meander corner; thence N 89 degrees 25 minutes 45 seconds E along a meander line 593.10 feet to a meander corner; thence N 0 degrees 56 minutes 13 seconds W 396.89 feet; thence N 86 degrees 51 minutes 05 seconds W, 404.13 feet; thence Northwestery 376.14 feet along the arc of a 4535.87 foot radius curve concave to the South and having a chord of N 89 degrees 49 minutes 46 seconds W 376.03 feet to the point of beginning, except that portion now known as Lot 1 of CSM 1877. Also including all those lands which lie between the meander line and property lines at the meander corners extended to the North Shore of Lake Winnebago.



STATE LOCATION



SCALE: 1"=2000'

WEINANDT ESTATE SITE LOCATION MAP

SOURCE: BASE MAP FROM NEENAH,
WISCONSIN, 7.5 MINUTE USGS
QUADRANGLE, DATED 1965.
PHOTOREVISED 1964.

RMI INC.

DWN. BY: JJK

DATE: 8/82

PROJ: 2582.01

FILE: 25820102

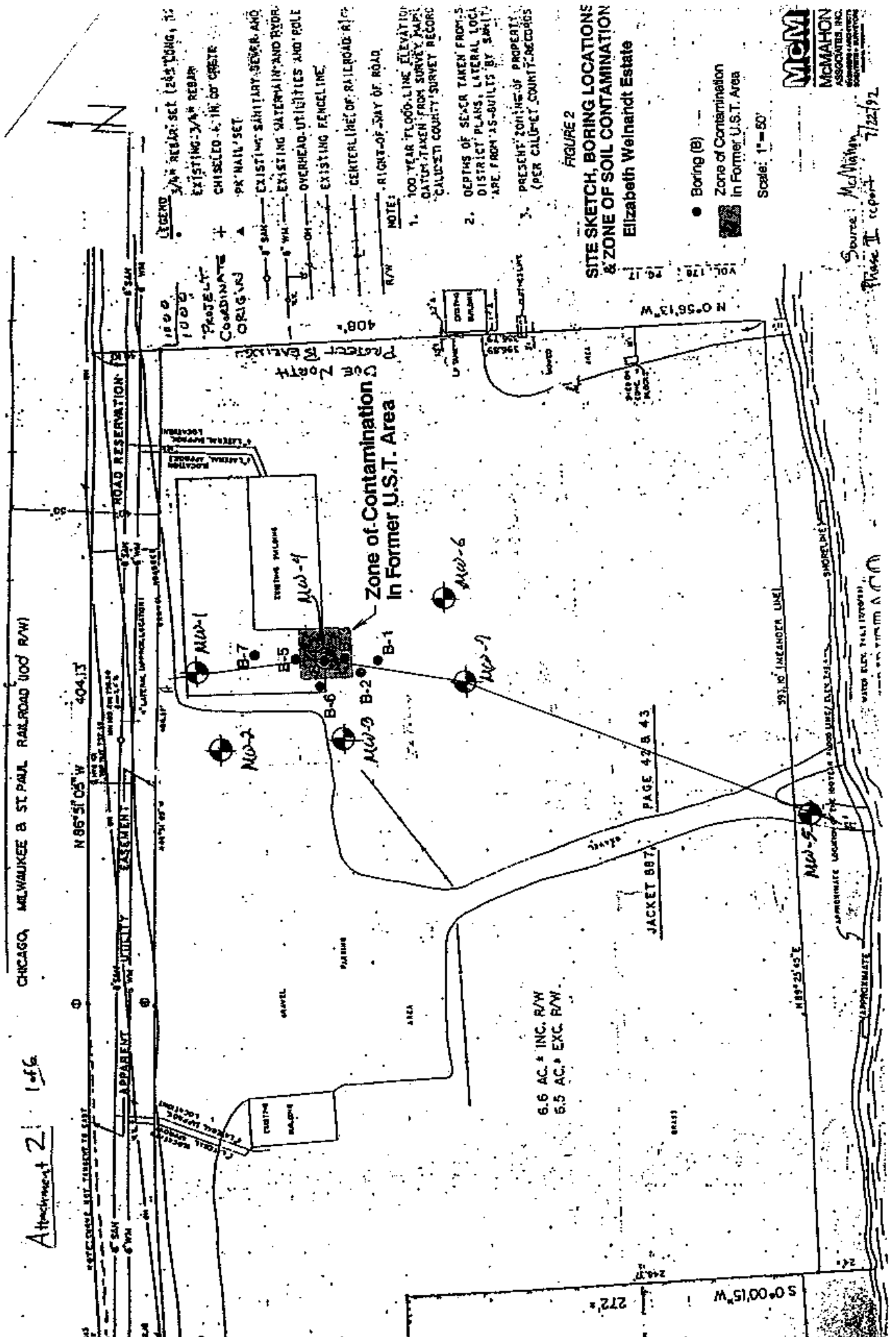


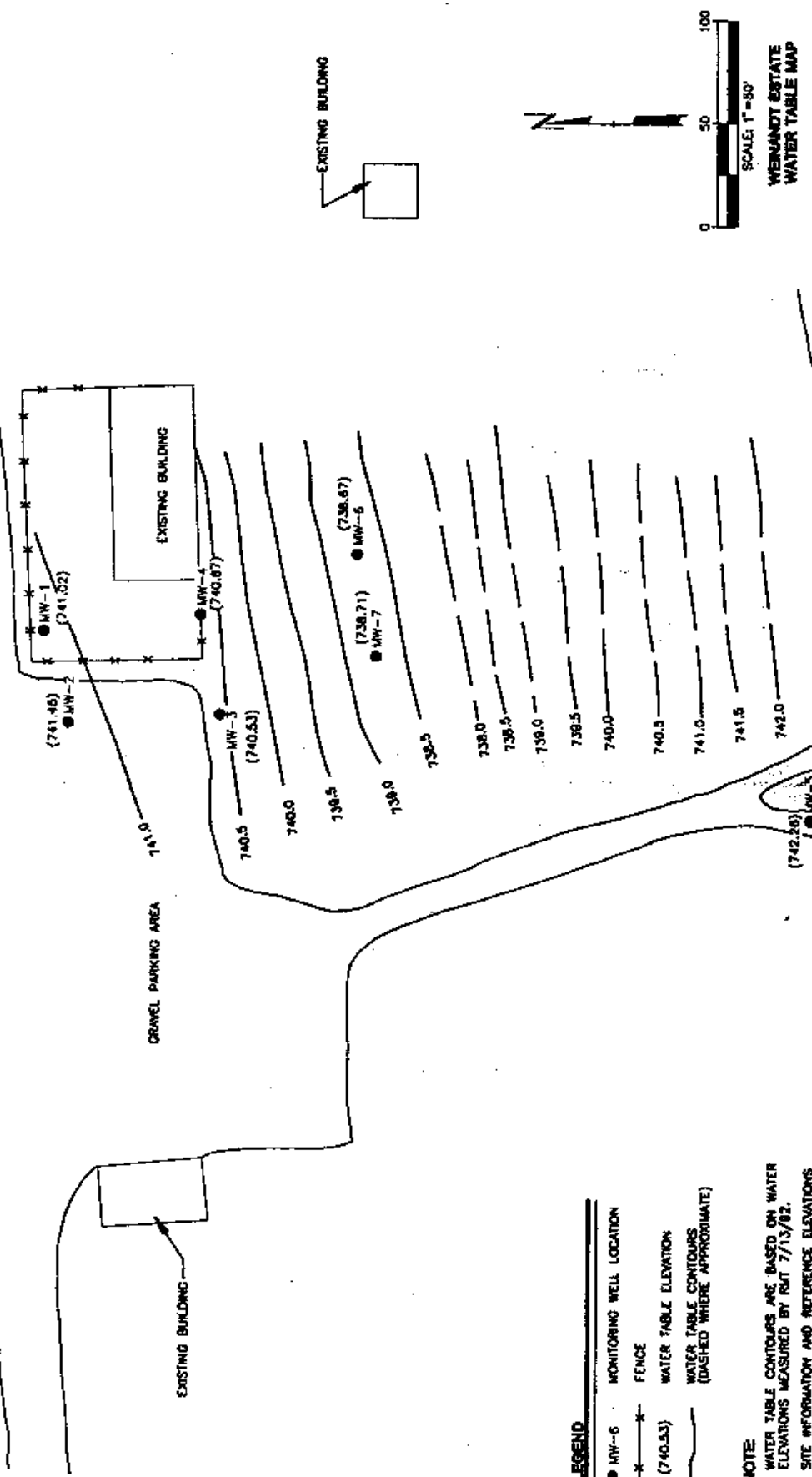
FIGURE 2
SITE SKETCH, BORING LOCATIONS
& ZONE OF SOIL CONTAMINATION
Elizabeth Weilandt Estate

● Boring (B)
 Zone of Contamination
 In Former U.S.T. Area
 Scale: 1" = 50'

MEM
 McMAHON
 ASSOCIATES, INC.
 1000 N. LAKE STREET
 CHICAGO, ILL. 60610
 (312) 467-1000

Source: McMahoney
 Phase II report 7/22/92

LAKE WINNEBAGO



LEGEND

- MW-6 MONITORING WELL LOCATION
- FENCE
- (740.53) WATER TABLE ELEVATION
- WATER TABLE CONTOURS (DASHED WHERE APPROPRIATE)

NOTE

1. WATER TABLE CONTOURS ARE BASED ON WATER ELEVATIONS MEASURED BY RAT 7/13/82.
2. SITE INFORMATION AND REFERENCE ELEVATIONS ARE DERIVED FROM BASEMAPS AND TABLES SUPPLIED BY USAMHON ASSOCIATES.

Attachment 5
Summary of Groundwater Analytical Data
Weinandt Estate
Town of Harrison, Wisconsin

WELL NO.	DATE	BENZENE	ETHYL-BENZENE	TOLUENE	TOTAL XYLENES	MTBE	1,2,4-TMB	1,3,5-TMB
ES		5.0	700	343	620	60		480
PAL		0.5	140	68.6	124	12		96
MW-4 (Contd.)	Jun-96	33	490	510	1,700	<5	630	220
	Sep-96	40	480	500	1,290	<5	750	210
	Dec-96	37	360	82	1,200	<10	520	220
	Mar-97	250	1,500	5,400	8,200	<24	1,700	490
	May-97	<130	1,400	5,100	10,500	<13	680*	1,600
	Sep-97	<3.5	510	240	810	<6.5	340	129
	Dec-97	12*	1,000	610	7,300	<13.0	2300	630
	Apr-98	<21	810	<20	4,900	<42	890	200
	Jun-98	<14	670	<16	4,350	<20	1800	530
	Nov-98	<21	83	<20	650	<42	<28	<22
MW-5	Never Sampled							
MW-6	May-92	<0.13	<0.16	<0.19	ND	<0.38		
	Apr-93	<0.2	<0.2	<0.19	ND	<0.4	<0.17	<0.18
	Aug-93	<0.2	<0.2	<0.19	ND	<0.4	<0.17	<0.18
	Dec-93	<0.2	<0.2	<0.19	0.2	<0.4	<0.17	<0.18
	Mar-94	<1.0	<1.0	<1.0	<2.0	<1.0	<1.0	<1.0
	Jun-94	1	<1.0	<1.0	<2.0	<1.0	<1.0	<1.0
	Sep-94	<0.6	<1.0	<1.0	<2.0	<1.0	<1.0	<1.0
	Dec-94	<0.6	<1.0	<1.0	<2.0	<1.0	<1.0	<1.0
	Mar-95	<0.6	<1.0	<1.0	<2.0	<1.0	<1.0	<1.0
	Jun-95	<0.6	<1.0	<1.0	<2.0	<1.0	<1.0	<1.0
	Sep-95	<0.6	<1.0	<1.0	<2.0	<1.0	<1.0	<1.0
	Dec-95	<0.6	<1.0	<1.0	<2.0	<1.0	<1.0	<1.0
	Dec-96	<0.7	<0.7	<1.0	<2.0	0.55	<1.0	<0.9
	Dec-97	<0.14	<0.14	<0.13	ND	<0.26	<0.13	<0.19
MW-7	May-91	ND	ND	ND	ND	ND	NA	NA
	May-92	<0.13	<0.16	<0.19	ND	<0.38	NA	NA
	Apr-93	<0.2	<0.2	<0.19	ND	<0.4	<0.17	<0.18
	Aug-93	0.4	0.4	0.4	2.1	<0.4	0.2	<0.18
	Dec-93	0.9	<0.2	3.6	6.7	<0.4	3.5	1.2
	Mar-94	<1.0	<1.0	<1.0	<2.0	<1.0	<1.0	<1.0
	Jun-94	<0.6	<1.0	<1.0	<2.0	<1.0	<1.0	<1.0
	Sep-94	<0.6	<1.0	<1.0	<2.0	<1.0	<1.0	<1.0
	Dec-94	<0.6	<1.0	<1.0	<2.0	<1.0	<1.0	<1.0
	Mar-95	<0.6	<1.0	<1.0	<2.0	<1.0	<1.0	<1.0
	Jun-95	<0.6	<1.0	<1.0	<2.0	<1.0	<1.0	<1.0
	Sep-95	<0.6	<1.0	<1.0	<2.0	<1.0	<1.0	<1.0
	Dec-95	<0.6	<1.0	<1.0	<2.0	<1.0	<1.0	<1.0
	Dec-96	<0.7	<0.7	<1.0	<2.0	<0.5	<1.0	<0.9
	Dec-97	<0.14	<0.14	<0.13	<2.0	<0.26	<0.13	<0.19

TABLE 2

SUMMARY OF GROUNDWATER ANALYTICAL DATA - MW-4
WEINANDT ESTATE
TOWN OF HARRISON, WISCONSIN
(parameters are reported in units of µg/L)

DATE	BENZENE	ETHYL BENZENE	TOLUENE	XYLENES (TOTAL)
Apr-93	1236	858	713	567
Aug-93	4780	ND	620	5820
Dec-93	4600	104	12,600	10,600
Mar-94	2400	980	4500	4800
Jun-94	3900	1700	13,000	10,300
Sep-94	600	750	3400	3770
Dec-94	1,000	1200	8100	6300
Mar-95	460	950	650	2500
Jun-95	1700	1300	4,100	5480
Sep-95	580	860	1,600	2650
Dec-95	1700	2000	10,000	10,500
Mar-96	72	740	540	940
Jun-96	33	490	510	17,000
Sep-96	40	480	500	1290
Dec-96	37	360	82	1200
Mar-97	250	1500	5400	8200
May-97	ND	1400	5100	10,500
Sep-97	ND	310	240	810
Dec-97	12	1,000	610	7300
Apr-98	ND	810	ND	4900
Jun-98	ND	830	ND	4350
Nov-98	ND	83	ND	650
ES ¹	5	700	343	620
PAL ²	0.5	140	68.6	124

NOTES:

MW-4 is the only well included in the quarterly monitoring program since 1995.

1

NR 140 Enforcement Standard

2

NR 140 Preventive Action Limit



Shaded cells represent ES exceedances

ND

Not Detected

NA

Results not yet available

A
NORTH

750
745
740
735
730

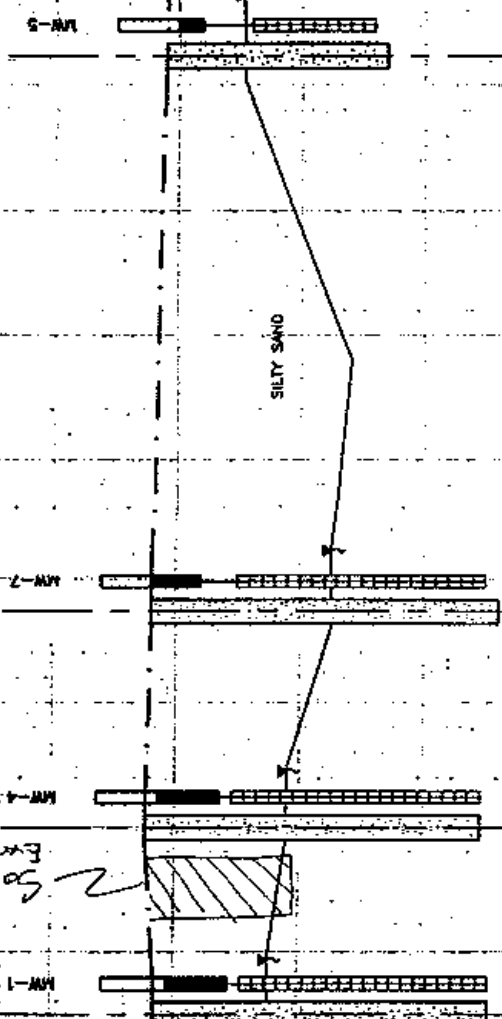
A'
SOUTH

750
745
740
735
730

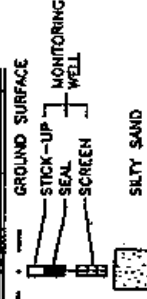
LAKE SHORE

SILTY SAND

SILTY SAND



LEGEND



GEOLOGIC CROSS SECTION A-A'
WEHNANDT ESTATE

HORIZONTAL SCALE: 1"=20'
VERTICAL SCALE: 1"=5'

Taken from "Wehnandt Action Plan" RMT, Inc. October 5, 1992

NOTE: CROSS-SECTION DETAILS ARE DERIVED FROM BORING LOGS. WELL CONSTRUCTION DIAGRAMS AND BASEMAPS PROVIDED BY MCMAHON ASSOCIATES.



DATE: 04/1/93
DATE: JULY 1992
PROJECT: 2382.01
FILE: 23820103